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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,364	07/06/2000	Tetsuya Abe	P19357	6388

7055 7590 01/30/2004

GREENBLUM & BERNSTEIN, P.L.C.  
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EXAMINER

SENGI, BEHROOZ M

ART UNIT PAPER NUMBER

2613

DATE MAILED: 01/30/2004

*[Handwritten mark]*

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/611,364

Applicant(s)

ABE ET AL.

Examiner

Behrooz Senfi

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other:

### DETAILED ACTION

1. Applicant's amendment and explanation see RCE (Paper no.11), filed Nov. 4, 2003 with respect 112, first paragraph rejection (paper no. 7, dated June, 4, 2003) have been fully considered and are persuasive. Therefore, Examiner withdraws the 112, first paragraph rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim1, 6 - 8, 10 and 11 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muramoto et al (US 6,507,359) in view of Sensui (US 6,041,186).

Regarding claim 1, 8, and 11 - 12, Muramoto '359 discloses the claimed "stereo camera comprising" (Muramoto: fig. 2), and "a pair of photographing optical system that produces a corresponding pair of photographing areas, and are located in a common plane ....." (Muramoto: figs. 4, and 9), and "an object distance measuring device that measures a distance to an object" (Muramoto: figs. 9, and 14, col. 13, lines 1+).

Muramoto '359 discloses (fig. 5, 335, 336, and fig. 20) group lenses and optical mirror (which could be prism) thus being adjusted and controlled in accordance with convergence angle. But fails to explicitly teach "prism, and apex angle". However, the above claim limitations are well known and used as evidenced by Sensui '186 (figs. 1b, col. 7, lines 20+ and col. 13, lines 20+). Therefore, taking the combined teaching of

Muramoto '359 and Sensui '186 as a whole, it would have been obvious to modify the Muramoto's video camera system as taught by Sensui '186 for providing a finder system separately from the photographing optical system.

Regarding claim 7, the limitation claimed "stereo camera applied to an electronic still camera" is inherent in combination system of Muramoto '359 and Sensui '186.

Regarding claim 10, combination system of Muramoto '359 and Sensui '186 teach, "active distance measurement" (col. 12, lines 63 – 67 of Muramoto).

Regarding claims 6 and 13 – 14, combination of Muramoto '359 and Sensui '186 teach, "pair of passive distance measuring" (col. 14, lines 24+ of Sensui) and "the measurement point located in an inner half of field angle" reads on convergence angle adjustment as discussed above.

4. Claims 2, 9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Muramoto et al (US 6,507,359) in view of Saito (US 5,652,926).

Regarding claim 9, Muramoto '359 discloses the claimed "stereo camera comprising" (Muramoto: fig. 2), and "a pair of photographing optical system that produces a corresponding pair of photographing areas, and are located in a common plane ....." (Muramoto: figs. 4, and 9), and "each including an image pickup device" (fig. 2) and "an object distance measuring device that measures a distance to an object" (Muramoto: figs. 9, and 14, col. 13, lines 1+) and "convergence angle adjustment ....." (figs. 5 and 13a, col. 10, lines 53+ and col. 7, lines 44+) and "controller to control each of photographing optical system" (fig. 5, controller 303, and fig. 13a, controller 15). Muramoto '359 fails to explicitly teach "button/switching for performing active and

passive distance measurement". However, the above features are well known and used as evidenced by Saito '926 (i.e. fig. 1, col. 8, lines 35+). Therefore, taking the combined teaching of Muramoto '359 and Saito '926 as a whole, it would have been obvious to modify the camera system of Muramoto '359 with switching system as taught by Saito '926 to perform distance measurement with a high accuracy (col. 1, lines 45+).

Regarding claim 2, combination of Muramoto '359 and Saito '926 teach, "rotating of each photographing optical system" (fig. Fig. 9, col. 8, lines 5+).

5. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muramoto et al (US 6,507,359) in view of Saito (US 5,652,926) further in view of Sorimachi et al. (US 4,818,858).

Regarding claim 3, combination of Muramoto '359 and Saito '926 fails to explicitly Teach, "the angle adjustment mechanism, with pair of rotary plates and sector worm wheel". However, the above claimed limitation is well known and used as evidenced by Sorimachi '858 (i.e. fig. 2) and "pair of rotary plates having respective center axes of rotation in parallel with each other, pair of rotary plates supporting pair of photographing optical system and having inter-meshing sector gears" and "a sector worm wheel ....." and "a worm which is in mesh ....." (Sorimachi: fig. 2, plates 8 and 9, col. 2, lines 52+, and col. 4, lines 19+ and Muramoto: fig. 19, col. 17, lines 32+). In view of the above, it would have been obvious to one having ordinary skill in the art to modify the combination system of Muramoto and Saito, as taught by Sorimachi, for the benefit of adjusting convergence angle at a high speed with a high accuracy (Sorimachi: col. 1, lines 36 – 39).

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Regarding claim 5, combination of Muramoto '359 and Saito and Sorimachi '858 teaches the claimed "drive mechanism which moves at least a part of . . . ." (Sorimachi: col. 4, lines 25+).

6. Claim 4, is rejected under 35 U.S.C. 103(a) as being unpatentable over Muramoto '359 in view of Saito '926 further in view of Sensui '186.

Regarding claim 4, combination of Muramoto '359 and Saito '926 fails to explicitly teach "variable angle prism". However, the above claim limitations are well known and used as evidenced by Sensui '186 (figs. 1b, col. 7, lines 20+ and col. 13, lines 20+). Therefore, taking the combined teaching of combination system of Muramoto '359 and Saito 926 and Sensui '186 as a whole, it would have been obvious to modify the combination system of Muramoto '359 and Saito 926 as taught by Sensui '186 for providing a finder system separately from the photographing optical system.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(703)305-0132**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chris Kelley** can be reached on **(703)305-4856**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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**Or faxed to:**

**(703) 872-9314**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

B. S. B. J.

1/25/2004

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600